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Amicus Curiae

August 11, 2025

Via Texas eFile & eServe

Hon. Blake Hawthorne
Clerk, Supreme Court of Texas
Austin, Texas

RE: Tex. Case No. 25-0687
STYLE: In re State of Texas (i.e, In re Attorney General Ken Paxton)
CASE TYPE: Quo Warranto to Debilitate the Opposition Party

Why Not Serve the Absconders By Email?

Dear Mr. Hawthorne:

This *sui generis* class action against the opposition party members has the flavor of *Machtergreifung* to me, especially when considered in conjunction with the Governor's own *quo warranto* filing a few days earlier.

I would like to weigh in as an academic amicus curiae and perhaps offer a comparative/historical perspective on the matter of the separation of powers breaking down and dictatorship resulting in one case (Deutschland) and a constitutional crisis involving majoritarianism being successfully resolved by political accommodation in another case (Malta). Notably, in the latter case, one of two parties boycotted parliament, following a general election outcome in 1981 that was perceived as illegitimate. The political crisis was eventually resolved with a constitutional amendment, but that didn't assure that a walkout wouldn't recur in future. The basic lesson: There is no perfect political system, but compromise is possible. The alternative may be system collapse and chaos. Perhaps civil war.

As a threshold matter, however, I wonder how the Court proposes to acquire personal jurisdiction over the coterie of respondents if they don't enter their attorney or *pro se* appearances voluntarily.

Will the Court be gracious enough to provide to Attorney General Paxton an advisory opinion as to how to serve whatever process might be appropriate in an original *quo warranto* proceeding, and have that *what-ever* process (citation?, summons?, precept?, warrant?) delivered at the hotel where the political exiles from Texas are holed up in Illinois?

If efficiency were the only consideration, I could offer a suggestion, but I am reluctant to actually advocate for it because I disagree with the procedure, even though it has proven effective in my case. Let me provide that as a case study.

Long-Arm Tactics to Compel Participation in Unwanted Proceedings

In October 2021, I was sued by attorneys from Houston-based Susman & Godfrey and others (a total of 12) in Chicago, Illinois, even though they knew I was a Houstonian. They proceeded to publish my residential address in their filings, and then came the online harassment, a smear campaign spanning years, numerous frivolous lawsuits against me, and repeated death threats, most recently assassination by drone.

Anyhow, to make a long story short, a putative *pro life* defendant from Texas was needed to mount a federal constitutional challenge against the Texas Heartbeat Act far away from Texas in a more favorable forum. I was unwilling to play ball, so I was subjected to compulsory service via my email account wphdmphd@gmail.com and forced into the foreign arena to fight.

The Susman attorneys procured an order from the federal judge in Chicago that authorized that method of service. They did not even bother to retain a process server to comply with Texas rules governing alternate methods of service.

I subsequently challenged *in personam* jurisdiction before the federal tribunal in Chicago (including defective service according to the TRCP rules), but my motion was overruled. See *Braid v. Stilley*, 2022 WL 4291024 (N.D. Ill. Sept. 16, 2022)(affirming exercise of jurisdiction over Hirczy de Mino, denying Hirczy de Mino's jurisdictional challenge, but dismissing the case anyhow).

The Seventh Circuit has since whitewashed the misconduct of the Susman attorneys (including Kate Peaslee, hailing from Seattle, who is about to seek PHV admission in the Governor's QW case against Gene Wu), even though they concluded (as had the district judge), that the litigation that they had instituted in the Northern District of Illinois belonged in Texas. *Braid v. Stilley*, No. 22-2815 (7th Cir. July 10, 2025).

I am now looking forward to learning how the process-of-service issue will be handled in this original and rather unusual high court proceeding.

Regardless of my gripes about summons being served upon me by email (and the harassment and persecution I had to endure by another party in the multi-state Alan Braid litigation), it may be beneficial to bar and bench going forward to learn what this Court deems acceptable as far as methods of service and assurance of due process in a court that is not a trial court, but will have to consider evidence pertinent to the dereliction-of-duty charges, once *in personam* jurisdiction has been properly established.

Date: August 11, 2025

Respectfully submitted,

/s/ Wolfgang P. Hirczy de Miño

Wolfgang P. Hirczy de Mino, Ph.D.

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*Amicus Curiae in support of clarification
Of the law governing service of process
In original proceedings with no pending trial court case*

TRAP 11 STATEMENT AND CERTIFICATE OF SERVICE

The undersigned amicus curiae is a political scientist by academic training, not an attorney acting in a representational capacity.

In the course of his graduate education at the University of Houston, Hirczy de Mino specialized in international relations and comparative politics and published a number of academic articles on voting behavior and election systems early in his professional career, including a couple of pieces on Malta, which – like the US – has a two-party system.

Hirczy de Mino hereby certifies that he has authored this amicus letter solely upon his own initiative and is not being paid by any party or nonparty for doing so. Nor has any compensation been promised for submitting this amicus curiae contribution. Tex. R. App. P. 11.

This amicus letter consists of fewer than 1 ,000 words.

All parties to this case are being served through the Texas e-filing system, which already has the email addresses of the numerous *as-yet* unserved defendants on file.

/s/ Wolfgang P. Hirczy de Miño

Wolfgang P. Hirczy de Mino, Ph.D.

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